



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/752,337	12/29/2000	Michael E. Carroll	LOT9-2000-0032	8657

21127 7590 12/30/2003

KUDIRKA & JOBSE, LLP
ONE STATE STREET
SUITE 800
BOSTON, MA 02109

EXAMINER

VU, KIEU D

ART UNIT	PAPER NUMBER
----------	--------------

2173

DATE MAILED: 12/30/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/752,337

Applicant(s)

CARROLL, MICHAEL E.

Examiner

Kieu D Vu

Art Unit

2173

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 17 October 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 2-7, 9-13 and 15-19 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 2-7, 9-13, 15-19 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 112

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claim 16 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 16 does not specify which independent claim it depends on. This renders claim 16 vague and indefinite.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 7, 13, and 19 are rejected under 35 U.S.C. 102(b) as being anticipated by Liu et al ("Liu", USP 5706449).

Regarding claims 7, 13, and 19, Liu teaches, in a system having a user interface (abstract) capable of displaying a plurality of data items (Fig. 14) and receiving user commands (Fig. 15a-15d)), a method comprising receiving, through the user interface, a command to swap ("Swap" in pop-up menu 64) a first plurality of displayed data items (data items in "Network" column) with a second plurality of displayed data items (data items in "Node" column); obtaining data identifying the first plurality of displayed data

Art Unit: 2173

items (data items in column whose heading was clicked) and the second first plurality of displayed data items (data items in desired column in the list control 46); and swapping the first plurality of displayed data items with the second plurality of displayed data items (col 7, lines 10-17).

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 2-4, 9-10, and 15-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Liu et al ("Liu", USP 5706449) and Ozer et al ("Ozer", USP 4839640).

Regarding claims 2, 9, and 15, Liu teaches, in a system having a user interface (abstract) capable of displaying a plurality of data items (Fig. 14) and receiving user commands (Fig. 15a-15d)), a method comprising receiving, through the user interface, a command to swap ("Swap" in pop-up menu 64) a first displayed data item ("Network" column) with a second displayed data item ("Node" column); obtaining data identifying the first displayed data item (column whose heading was clicked) and the second displayed data item (desired column in the list control 46); and swapping the first displayed data item with the second displayed data item (col 7, lines 10-17). Liu does not teach a directional command identifying a relative direction of a position of the second displayed data item to a position of the first displayed data item. However, the entering a directional command through the user interface is well known in the art as

Art Unit: 2173

taught by Ozer et al. Ozer teaches an access control system which comprises the use of arrow (directional) keys to enter command (col 17, lines 1-8). It would have been obvious to one of ordinary skill in the art, having the teaching of Liu and Ozer before him at the time the invention was made, to modify the interface method taught by Liu to include the entering directional commands by using arrow keys taught by Ozer with the motivation being to enable the user to quickly and conveniently enter commands.

Regarding claim 3, Ozer teaches the directional commands (col 17, lines 10-17).

Regarding claims 4, 10, and 16, Liu teaches that the first displayed data item and the second displayed data item have similar respective data types (alphanumeric).

7. Claims 5-6, 11-12, and 17-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Liu and Ramanathan et al ("Ramanathan", USP 5767850).

Regarding claims 5-6, 11-12, and 17-18, Liu teaches, in a system having a user interface (abstract) capable of displaying a plurality of data items (Fig. 14) and receiving user commands (Fig. 15a-15d)), a method comprising receiving, through the user interface, a command to swap ("Swap" in pop-up menu 64) a first displayed data item ("Network" column) with a second displayed data item ("Node" column); obtaining data identifying the first displayed data item (column whose heading was clicked) and the second displayed data item (desired column in the list control 46); and swapping the first displayed data item with the second displayed data item (col 7, lines 10-17). Liu does not teach the defining relative position of displayed data item to an icon. However, such feature is well known in the art as taught by Ramanathan. Ramanathan teaches a relocatable menu icon system which teaches the determining relative position between

Art Unit: 2173

a menu icon and a title bar (col 7, lines 13-17). It would have been obvious to one of ordinary skill in the art, having the teaching of Liu and Ramanathan before him at the time the invention was made, to modify the interface method taught by Liu to include the determining relative position between a menu icon and a displayed item title bar taught by Ramanathan with the motivation being to enable the user to quickly and conveniently locate the displayed data items.

8. Applicant's arguments filed 10/17/03 have been fully considered but they are not persuasive.

In response to Applicant's argument that Ramanathan's menu icon is not a selector of a data item involved in a swap operation, it is noted that this argument attacks references individually. In response to applicant's arguments against the references individually, one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986).

Liu teaches the data items involved in a swapping operation. Liu does not teach the defining relative position of displayed data item to an icon, therefore, Ramanathan's teaching is cited to cure this deficiency in Liu.

In response to applicant's argument that there is no suggestion to combine the Liu and Ramanathan references, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so

Art Unit: 2173

found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case, it would have been obvious to one of ordinary skill in the art, having the teaching of Liu and Ramanathan before him at the time the invention was made, to modify the interface method taught by Liu to include the determining relative position between a menu icon and a displayed item title bar taught by Ramanathan with the motivation being to enable the user to quickly and conveniently locate the displayed data items.

In response to Applicant's argument that "it is not clear how the teaching of Liu and Ozer would be combined", it is noted that both Liu's system and Ozer's system involved the use of keyboard to control the display in computer system (Liu, col 4, lines 57-59) (Ozer, col 17, lines 1-8), therefore, both systems are in the same field of endeavor.

In response to applicant's argument that there is no suggestion to combine the Liu and Ozer references, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case, it would have been obvious to one of ordinary skill in the art, having the teaching of Liu and Ozer before him at the time the invention was made, to modify the interface method

Art Unit: 2173

taught by Liu to include the entering directional commands by using arrow keys taught by Ozer with the motivation being to enable the user to quickly and conveniently enter commands.

9. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kieu D. Vu whose telephone number is (703-605-1232). The examiner can normally be reached on Mon - Thu from 7:00AM to 3:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Cabeca, can be reached on (703- 308-3116).

The fax phone numbers for the organization where this application or proceeding is assigned are as follows:

(703)-872-9306

Art Unit: 2173

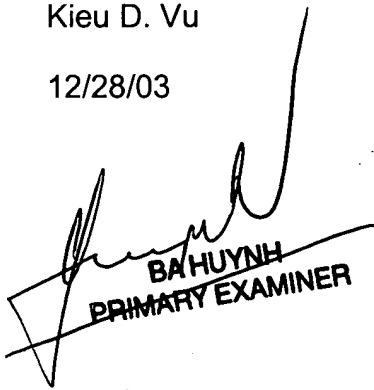
and / or:

(703)-746-5639 (use this FAX #, only after approval by Examiner, for
"INFORMAL" or "DRAFT" communication. Examiners may request that a formal
paper / amendment be faxed directly to them on occasions)

Any inquiry of a general nature or relating to the status of this application or
proceeding should be directed to the receptionist whose telephone number is (703-305-
3900).

Kieu D. Vu

12/28/03


BA HUYNH
PRIMARY EXAMINER